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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,866	02/11/2004	Daniel L. Durham	DUR03 P-300A	3876
277	7590	01/31/2005		
PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501				
			EXAMINER DAVIS, CASSANDRA HOPE	
			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/776,866

Applicant(s)

DURHAM, DANIEL L.

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saenz, U. S. Patent 4,699,401 in view of Finnigan, U. S. Patent 4,057,181.

3. Saenz teaches removable seat belt cover comprising a generally rectangular flexible base sheet having a length and a width selected so that the device is adapted to be wrapped around a vehicle shoulder strap and secured on the vehicle shoulder strap. (See figures 3 and 6). The cover has three pockets 36, 38, and 40 superposed over at least a portion of the flexible base sheet and secured to the flexible base sheet. See column 4, line9-15). The pocket is construct such that they can receive items such as a key 52, pencil 54 and a pen 56. Saenz also teaches a releasable fastener connected to the flexible base sheet to allow releasable attachment of the device to a vehicle shoulder strap. (See column 3, lines 37-41). The releasable fastener 46 and 48 are configured to connect opposite longitudinal edges 28 and 30 of the device together along the length of the base sheet. (See column 4, lines 37-48).

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4. Saenz does not teach the pocket made of a transparent material. However, Saenz does teach that the material for the pockets is a matter of choice. (Column 6, lines 19-20).

5. Finnigan teaches a container for articles with means for removably mounting on a body belt or safety harness comprising a base sheet 26, a zipper fastener 27, and a transparent pocket 60 containing a card 61 with printed matter 62. (Column 4, lines 62-65).

6. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the pocket of the cover device taught by Saenz of transparent material as taught by Finnigan to provide a means the see the document placed within the pocket.

7. With respect to claims 2 and 6, Saenz teaches the base sheet is a cushioning fabric 24 and can be made of fabric, wool, cotton, foam rubber or plastic. (Column 3, lines 5-8 and 17-21).

8. With respect to claims 4 and 8, Saenz teaches hook material 46 secured along one longitudinal edge 28 of the base sheet and pile material 48 secured along the other longitudinal of the base sheet. (Column 4, lines 37-42).

9. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saenz in view of Finnigan as applied to claims 1 and 5 above, and further in view of Kobayashi, EP 1 182 101. Kobayashi teaches a seat belt cover 1 having a pocket 11. The cover is removably attached around the seat belt using VELCRO®. Kobayashi teaches the seat belt cover may be made of any a material such as thick felt clothe. See

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column 4, lines 50-54). It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct cushioning fabric of the seat belt cover taught by Saenz and Finnigan felt material as taught by Kobayashi as a cushion type material.

### ***Response to Arguments***

10. Applicant's arguments filed November 18, 2004 have been fully considered but they are not persuasive. The applicant argues that it would not have been obvious to one having ordinary skill in the art to modify the pockets of Saenz removable seatbelt cover so that they are transparent. Specifically, the applicant states "transparency is not relevant to the pockets 36, 38, and 40 of the Saenz removable seat belt cover.

Although Saenz does not teach the seat belt cover having transparent pockets, the use of transparent material in making pocket on a verity of object is well known. Finnigan clearly teaches transparent pocket 60 on a cushioning device mounted on a seat or safety belt. The pocket is transparent so that the contents of the pocket are visible. Since both Saenz and Finnigan teaches a pocket mounted on a seat or safety belt, the examiner maintains to position that the making the pocket of Saenz transparent as taught by Finnigan is obvious to provide a means to see whatever is placed within the pocket.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Göbel, German Patent 43 17 355 is cited to show a transparent pocket 11 mounted directly to a seat belt. Yokoi, Japanese Publication 07-315160.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
January 25, 2005